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UNCLASSIFIED PTQ8969

PAGE 01 HANOI 01379 01 OF 02 300923Z
ACTION EAP-00

INFO LOG-00 NP-00 AIT-03 ACQ-00 CIAE-00 DOTE-00 DS-00
EB-00 FAAE-00 FBIE-00 UTE-00 VC-00 TEDE-00 INR-00
VCE-00 NSAE-00 PM-00 TEST-00 EPAE-00 ECA-00 PMB-00
DSCC-00 DRL-02 NFAT-00 SAS-00 /005W
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FM AMEMBASSY HANOI
TO SECSTATE WASHDC 6617
INFO AMCONSUL HO CHI MINH CITY
AMEMBASSY BEIJING
AIT TAIPEI 0692
ASEAN COLLECTIVE
NSC WASHDC
USCINCPAC HONOLULU HI//FPA//
SECDEF WASHDC//ISA/ABLAGG//

UNCLAS SECTION 01 OF 02 HANOI 001379

SIPDIS

SENSITIVE

STATE FOR EAP/BCLTV, EAP/RSP

E.O. 12958: N/A

TAGS: [PREL](#) [PGOV](#) [MARR](#) [PINR](#) [VM](#) [CVR](#) [ASEAN](#)

SUBJECT: VIETNAM AND THE SPRATLYS: STRONG TALK,
-- BUT PLAYING IT SAFE

UNCLASSIFIED

PAGE 02 HANOI 01379 01 OF 02 300923Z
REF: HANOI 431

1. (U) SUMMARY. GVN OFFICIALS CONTINUE TO TAKE A FIRM LINE CONCERNING VIETNAM'S SOVEREIGNTY CLAIMS OVER THE SPRATLY ISLANDS. PROVINCIAL CLAIMS CONCERNING CIVILIAN INFRASTRUCTURE IN THE SPRATLYS APPEAR EXAGGERATED. VIETNAM CONTINUES TO SUPPORT A SOUTH CHINA SEA CODE OF CONDUCT (REFTEL), AN IMPORTANT CONFIDENCE BUILDING MEASURE. DISCUSSIONS AT THE NATIONAL AND PROVINCIAL LEVEL INDICATE STRONG SUPPORT FOR MAINTAINING THE STATUS QUO AND SETTLING OUTSTANDING ISSUES BY "PEACEFUL MEANS." END SUMMARY.

THE VIEW FROM KHANH HOA--OTHER CLAIMS NOT RELEVANT

2. (U) KHANH HOA PROVINCE, LOCATED ALONG VIETNAM'S SOUTH CENTRAL COAST, HAS ADMINISTRATIVE RESPONSIBILITY FOR THE SPRATLY CHAIN, KNOWN IN VIETNAMESE AS THE QUAN DAO TRUONG SA. THE ISLANDS FORM A DISTRICT WITHIN THE PROVINCE, AND ARE LOCATED ABOUT 200 NAUTICAL MILES FROM THE COAST. ACCORDING TO TRAN AN KHANH, CHIEF OF THE EXECUTIVE OFFICE OF THE KHANH HOA PROVINCIAL PEOPLE'S COMMITTEE, "IT IS IRRELEVANT WHICH COUNTRIES MAKE CLAIMS--THE SPRATLYS ARE PART OF VIETNAM AND ALWAYS WILL BE." KHANH ADMITTED THAT MOST OF THE VIETNAMESE POPULATION IN THE SPRATLYS CONSISTS OF MILITARY FORCES, WHILE CLAIMING THAT THERE IS A "SIGNIFICANT" CIVILIAN POPULATION AND INFRASTRUCTURE, INCLUDING SCHOOLS, BANKS, AND POST OFFICES. KHANH WAS UNABLE TO SAY HOW MANY CIVILIANS LIVE THERE, NOR COULD HE PROVIDE DETAILS CONCERNING THE CIVILIAN INFRASTRUCTURE. HE

UNCLASSIFIED

PAGE 03 HANOI 01379 01 OF 02 300923Z
ADDED THAT ONLY DISTRICT OFFICIALS WOULD HAVE "MORE INFORMATION." HOWEVER, WHEN POLOFFS REQUESTED TO MEET WITH DISTRICT OFFICIALS, KHANH SAID THIS WAS "IMPOSSIBLE" BECAUSE THEY WERE "TOO BUSY." NEWSPAPER REPORTING ABOUT MAY 19 NATIONAL ASSEMBLY ELECTIONS IN THE SPRATLY DISTRICT UNIFORMLY SHOWED MILITARY TROOPS GETTING AND CASTING BALLOTS; THEY WERE ALLOWED TO START VOTING EARLY DUE TO THE DISTANCES INVOLVED.

THE VIEW FROM HANOI - STRONG WORDS, BUT . . .

3. (U) ACCORDING TO NGUYEN THI THAN HA, SENIOR EXPERT IN THE MFA'S DEPARTMENT OF INTERNATIONAL LAW AND TREATIES DEPARTMENT, THE "HISTORICAL AND LEGAL FRAMEWORK CLEARLY PROVES VIETNAM'S CLAIM." SHE PROVIDED A LONG AND HIGHLY LEGALISTIC 1988 MFA ARTICLE DELINEATING VIETNAM'S CLAIM, ADDING THAT, "OUR POSITION HAS NOT CHANGED SINCE THIS

ARTICLE -- THE SPRATLYS ARE VIETNAM." MFA PUBLIC STATEMENTS HAVE CONSISTENTLY REITERATED THAT "VIETNAM AFFIRMS ITS INDISPUTABLE SOVEREIGNTY OVER TRUONG SA (SPRATLYS)." DR. NGUYEN QUANG NGOC, VIETNAM HANOI NATIONAL UNIVERSITY'S DEAN OF HISTORY, SAID SEPARATELY THAT, WHILE VIETNAM UNDERSTANDS OTHER CLAIMS EXIST TO THE SPRATLYS, "THERE IS NO DOUBT OUR CLAIM IS HISTORICALLY JUSTIFIED." SIMILARLY, LE QUY QUYNH, DEPUTY CHIEF OF THE SOUTHEAST ASIA AFFAIRS DIVISION OF THE GVN'S BORDER COMMISSION, SAID VIETNAM'S RIGHTS TO THE SPRATLYS "CANNOT BE DISPUTED, ALTHOUGH THE PROBLEM IS COMPLEX," HE ADMITTED.

UNCLASSIFIED

PAGE 04 HANOI 01379 01 OF 02 300923Z

. . .LET'S BE CAREFUL OUT THERE

14. (U) MFA CHINA DESK DIRECTOR TRAN DUY HAI TOLD POLOFF THAT, DURING RECENT HIGH LEVEL VISITS BETWEEN VIETNAM AND THE PRC, LEADERS HAVE RAISED THE SPRATLYS, BUT ALWAYS NOWADAYS WITHIN THE CONTEXT OF PLEDGING TO "MAINTAIN THE STATUS QUO, REFRAIN FROM FURTHER COMPLICATIONS, AND SETTLE THE DISPUTE THROUGH PEACEFUL MEANS." HE POINTED TO THE JOINT COMMUNIQUE ISSUED AFTER PRC PRESIDENT JIANG ZEMIN'S VISIT TO VIETNAM LAST FEBRUARY, WHEREBY BOTH SIDES "PLEDGED TO EXERT FURTHER EFFORTS TO MAINTAIN PEACE AND STABILITY IN THE EAST (SOUTH CHINA) SEA." AN MFA STATEMENT FOLLOWING VIETNAM PRESIDENT TRAN DUC LUONG'S VISIT TO THE PRC IN DECEMBER 2000 ALSO REITERATED THE COMMITMENT TO "SEEK AN EVERLASTING SOLUTION ACCEPTABLE TO BOTH SIDES THROUGH PEACEFUL NEGOTIATIONS." (NOTE: THESE STATEMENTS ARE ALL SUPPORTIVE OF THE 1995 VIETNAM-PRC AGREEMENT TO ADDRESS THE THREE AREAS OF TERRITORIAL DISPUTE SEQUENTIALLY. END NOTE) ANOTHER MFA STATEMENT IN MAY 2001 RESTATED VIETNAM'S

UNCLASSIFIED

UNCLASSIFIED PTQ8973

PAGE 01 HANOI 01379 02 OF 02 300923Z
ACTION EAP-00

INFO	LOG-00	NP-00	AIT-03	ACQ-00	CIAE-00	DOT-00	DS-00
	EB-00	FAAE-00	FBIE-00	UTED-00	VC-00	TEDE-00	INR-00
	VCE-00	NSAE-00	PM-00	TEST-00	EPAE-00	ECA-00	PMB-00
	DSCC-00	DRL-02	NFAT-00	SAS-00	/005W		
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R 300910Z MAY 02
FM AMEMBASSY HANOI
TO SECSTATE WASHDC 6618
INFO AMCONSUL HO CHI MINH CITY
AMEMBASSY BEIJING
AIT TAIPEI 0693
ASEAN COLLECTIVE
NSC WASHDC
USCINCPAC HONOLULU HI//FPA//
SECDEF WASHDC//ISA/ABLAGG//

UNCLAS SECTION 02 OF 02 HANOI 001379

SIPDIS

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UNCLASSIFIED

PAGE 02 HANOI 01379 02 OF 02 300923Z
SOVEREIGNTY OVER THE SPRATLYS, BUT STRESSED THAT "VIETNAM INTENDS TO SOLVE ALL DISPUTES THROUGH PEACEFUL NEGOTIATIONS BASED ON RESPECT FOR INTERNATIONAL LAWS, PARTICULARLY THE 1982 UN CONVENTION ON THE LAW OF THE SEA AND THE 1992 MANILA DECLARATION ON THE EAST SEA."

15. (U) VIETNAM ALSO REMAINS COMMITTED TO THE LONG-NEGOTIATED CODE OF CONDUCT FOR THE SOUTH CHINA SEA, ACCORDING TO PHAM CAO PHONG, DIRECTOR OF NORTHEAST ASIA STUDIES OF THE MFA'S INSTITUTE OF INTERNATIONAL RELATIONS (IIR), WHO EMPHASIZED THAT VIETNAM IS "FULLY COMMITTED TO THE ASEAN INITIATIVE" (SEPTEL).

16. (SBU) ONE PHILIPPINE EMBOFF DESCRIBED TO POLOFF HOW, FOLLOWING SOME VIOLENT CLASHES IN THE MID-1990S BETWEEN PHILIPPINE AND VIETNAMESE NAVAL FORCES, MILITARY COMMANDERS HAD MET AND DEVELOPED THEIR OWN MILITARY-TO-MILITARY "CODE OF CONDUCT" TO PREVENT FUTURE CLASHES. THE EMBOFF ADDED THAT THE PHILIPPINE GOVERNMENT HAS TAKEN THE LEAD IN DEVELOPING THE DRAFT CODE OF CONDUCT (NOW IN ITS NINTH ITERATION) AND HOPES IT CAN BE ADOPTED "THIS SUMMER IN BRUNEI." ACCORDING TO MALAYSIAN EMBASSY EMBOFFS, MALAYSIA IS ENGAGED IN SCIENTIFIC RESEARCH AND TOURISM IN THE FIVE ISLANDS IT CLAIMS. SOLDIERS ARE ALSO STATIONED "TO PROVIDE PROTECTION," THEY CLAIMED. THE MALAYSIAN GOVERNMENT

"STRONGLY SUPPORTS" THE CODE OF CONDUCT AND AGREES THE DISPUTE SHOULD BE SETTLED BY "PEACEFUL MEANS," THE EMBOFFS ADDED. (NOTE: MFA/ASEAN DEPARTMENT DEPUTY DIRECTOR GENERAL PHAM HUU CHI TOLD POLOFFS ON MAY 30 THAT MALAYSIA DOES NOT WANT THE ISLANDS IT CLAIMS CONSIDERED WITHIN THE CODE OF CONDUCT, WHICH IT HAS SO FAR INSISTED BE LIMITED TO THE

UNCLASSIFIED

PAGE 03 HANOI 01379 02 OF 02 300923Z
SPRATLY GROUP, HE OBSERVED. END NOTE)

17. (SBU) ACCORDING TO A PRC EMBOFF, THERE IS "NO DOUBT" CONCERNING PRC SOVEREIGNTY OVER THE ENTIRE SOUTH CHINA SEA AREA; THIS IS A "HISTORICAL FACT," THE EMBOFF EMPHASIZED. THE EMBOFF NOTED THAT THE PRC NONETHELESS AGREES WITH VIETNAM AND OTHER ASEAN NATIONS THAT THE DISPUTE "SHOULD BE SOLVED PEACEFULLY." THE PROPOSED CODE OF CONDUCT IS AN "IMPORTANT CONFIDENCE BUILDING MEASURE THAT WILL CONTRIBUTE TO REGIONAL STABILITY," THE EMBOFF OPINED. SEPARATELY, AN OFFICIAL AT THE TAIPEI ECONOMIC AND CULTURAL OFFICE (TECO) IN HANOI NOTED THAT TAIWAN CONSIDERS ITS CLAIM TO THE ENTIRE ARCHIPELAGO "VALID," BUT IS ALSO COMMITTED TO SOLVING THE PROBLEM "PEACEFULLY." THE OFFICIAL SAID HE "EXPECTED" TAIWAN WOULD RESPECT THE CODE OF CONDUCT WHEN/IF IT IS ADOPTED.

WHERE DO THEY GO FROM HERE?

18. (U) NGUYEN HUY QUY, DIRECTOR OF THE INSTITUTE OF CHINA STUDIES, CALLED THE CODE OF CONDUCT A "STEP IN THE RIGHT DIRECTION," WHILE NOTING THAT IT CAN ONLY BE CONSIDERED A "CONFIDENCE-BUILDING MEASURE" AND DOES NOT MEAN THE DISPUTE IS ANY CLOSER TO RESOLUTION. HE OBSERVED THAT, SINCE THE DISPUTE INVOLVES SEVERAL COUNTRIES WITH COMPETING CLAIMS, ANY POTENTIAL SOLUTION REMAINS "VERY COMPLEX." HANOI UNIVERSITY'S NGOC COMMENTED SEPARATELY THAT THE BASIC PROBLEM IS THAT "NO PARTY HAS AN INCENTIVE TO SETTLE THE DISPUTE BECAUSE THERE ARE SO MANY COMPETING CLAIMS." AS A

UNCLASSIFIED

PAGE 04 HANOI 01379 02 OF 02 300923Z
RESULT, HE OPINED, "I DO NOT EXPECT TO SEE THE PROBLEM RESOLVED IN MY LIFETIME." THE IIR'S PHONG SAID THAT WHILE ALL PARTIES "ARE ANXIOUS TO MAINTAIN THE STATUS QUO AND PROMOTE REGIONAL STABILITY, NONE IS WILLING TO COMPROMISE ON TERRITORIAL CLAIMS," THUS MAKING A PERMANENT AGREEMENT "UNLIKELY."

COMMENT

19. (U) VIETNAM'S SUPPORT FOR THE CODE OF CONDUCT IS AN IMPORTANT COMPONENT OF ITS DECADE-LONG STRATEGY OF GETTING ALONG WITH ITS NEIGHBORS AND MAKING REGIONAL PEACE AND STABILITY A TOP NATIONAL PRIORITY. WE EXPECT TO SEE CONTINUED RESTRAINT BY THE VIETNAMESE MILITARY TO AVOID NEW PROVOCATIVE STEPS, BUT ALSO DOUBT THAT THE GVN WOULD RENOUNCE OR MODIFY ITS TERRITORIAL CLAIMS IN THE FORESEEABLE FUTURE.
PORTER

UNCLASSIFIED